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FACSIMILE TRANSMISSION

October 12, 2004

[50112-1970; AG 10010313-1]

TO
United States Patent & Trademark Office
Examiner Gary B. Nickol, Ph.D.
Art Unit: 1642**FROM**
Charles Vorndran**FAX: (703) 872-9306****FAX: (770) 951-0933****TEL: (571) 272-0835****TEL: (770) 933-9500****RE: RCE Attached****Number of Pages (Including This Cover Sheet): 3 Page(s)
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INTERNATIONAL PATENT, TRADEMARK AND COPYRIGHT LAW AND RELATED LITIGATION

◆ Atlanta, Georgia ◆ Huntsville, Alabama ◆

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

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OCT 12 2004

PATENT APPLICATION

ATTORNEY DOCKET NO. 10010313-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Yakhini, et al.

Serial No.: 09/921,406

Examiner: Gary B. Nickol

Filing Date: August 2, 2001

Group Art Unit: 1642

Title: Classifying Cancers

COMMISSIONER FOR PATENT
PO Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE) 37 CFR 1.114

Subsection (b) of 35 U.S.C. 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Sir:

This is a Request for Continued Examination (RCE) under CFR 1.114 of the above-identified application.

NOTE: 37 CFR 1.114 is effective on May 20, 2000. If the above application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under CFR 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14866 (Mar. 20, 2000), 1233 off. Gaz. Pat. Office.

Submission under 37 CFR 1.114

(X) Previously submitted:

(X) Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on August 27, 2004
(Any unentered amendment(s) referred to above will be entered).

() Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

() Other _____

() Enclosed:

() Amendment/Reply

() Affidavit(s)/Declarations(s)

() Information Disclosure Statement (IDS)

() Other _____

Miscellaneous

() Suspension of action is requested under 37 CFR 1.103(c) for a period of _____ months.
The fee for this Suspension is (37 CFR 1.17(i)) \$130.00

() Other _____

CONTINUED EXAMINATION TRANSMITTAL
(RCE) (37 CFR 1.114) (continued)

ATTORNEY DOCKET NO. 10010313-1

(X) RCE filing fee \$790.00

- () A Petition for Extension of Time
- | | |
|------------------|-----------|
| () one month | \$110.00 |
| () two months | \$430.00 |
| () three months | \$980.00 |
| () four months | \$1530.00 |

Please charge to Deposit Account 50-1078 the sum of \$790.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25.

(X) A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

Yakhini, et al.

By

Charles Vorndran

Charles Vorndran

Attorney/Agent for Applicant(s)

Reg. No. 48,315

Date: 10/12/04

Telephone No.: (770) 933-9500

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